

Filed for intro on 02/05/98
SENATE BILL 3166 By
Davis L

HOUSE BILL 3109
By Williams (Wil)

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter
6, relative to general contractors and radon testing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section____, is amended by adding the
following new ____:

(a) Beginning July 1, 1998, at the time of final inspection of a new single-family residence or each ground floor unit in a multifamily residential building, the building contractor shall deliver to each residence and each ground floor unit a three-month etched track radon measurement device that is listed on a current federal environmental protection agency radon measurement proficiency list. Postage to the testing facility and the cost of testing and notification to the homeowner shall be included with the device. The device, the instructions included with the device, and the instructions provided by the local contractor pursuant to subsection (b) of this section shall be placed in a conspicuous location. The state department of health shall provide the device to the building contractor.

(b) The department of health in consultation with the state contractors' board shall:

(1) Develop instructions for use by the owner or occupant on the proper means of installation, maintenance and removal of the radon measurement

000000000

00000000

011120

01112028

device provided for in subsection (a) of this section and distribute the instructions to all affected contractors; and

(2) Distribute to all affected contractors the current federal environmental protection agency radon measurement proficiency list and known sources for the devices.

(c) The owner of a new single-family residence or of a multifamily residential building is responsible for returning the radon measurement device left by a contractor pursuant to this section to the appropriate testing laboratory in accordance with the instructions left with the device by the building inspector.

(d) The electrical inspector's approval of the final inspection on the final inspection record card shall be prima facie evidence that the electrical inspector observed the presence in the residence of the radon measurement device and instructions as required by this section.

(e) The electrical inspector responsible for the final inspection, the electrical inspector's employer, and the county or city within which a single-family residence or multifamily residential building is located, shall not be liable for injuries caused by:

(1) The failure of the occupant or owner of the residence or building to properly install, monitor, or send a radon measurement device to the testing laboratory; or

(2) Radon entering into any single-family residence or multifamily residential building.

SECTION __. It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure on which construction was begun on or after July 1, 1998, that the contractor complied in good faith, without negligence or misconduct, with:

(a) Building product safety standards, including labeling;

(b) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and

(c) The statutory and regulatory ventilation and radon resistive construction requirements.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.